

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2587 Session of
1992

INTRODUCED BY CLYMER, SCHULER, BUSH, FAIRCHILD, NOYE, CARLSON,
HALUSKA, ARMSTRONG, GERLACH, GEIST, PETRARCA, SAURMAN,
TOMLINSON, CESSAR, STAIRS, BARLEY, LEH, HERSHEY, REINARD,
STABACK, HESS, JADLOWIEC, BILLOW AND KING, MARCH 31, 1992

REFERRED TO COMMITTEE ON CONSERVATION, MARCH 31, 1992

AN ACT

1 Amending the act of January 24, 1966 (1965 P.L.1535, No.537),
2 entitled, as amended, "An act providing for the planning and
3 regulation of community sewage systems and individual sewage
4 systems; requiring municipalities to submit plans for systems
5 in their jurisdiction; authorizing grants; requiring permits
6 for persons installing such systems; requiring disclosure
7 statements in certain land sale contracts; authorizing the
8 Department of Environmental Resources to adopt and administer
9 rules, regulations, standards and procedures; creating an
10 advisory committee; providing remedies and prescribing
11 penalties," further providing for permits.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 Section 1. Section 7 of the act of January 24, 1966 (1965
15 P.L.1535, No.537), known as the Pennsylvania Sewage Facilities
16 Act, amended July 22, 1974 (P.L.621, No.208), October 4, 1978
17 (P.L.1003, No.212) and July 1, 1989 (P.L.124, No.26), is amended
18 to read:

19 Section 7. Permits.--(a) No person shall install,
20 construct, or request bid proposals for construction, or alter
21 an individual sewage system or community sewage system or

1 construct, or request bid proposals for construction, or install
2 or occupy any building or structure for which an individual
3 sewage system or community sewage system is to be installed
4 without first obtaining a permit indicating that the site and
5 the plans and specifications of such system are in compliance
6 with the provisions of this act and the standards adopted
7 pursuant to this act. No permit may be issued by the local
8 agency in those cases where a permit from the department is
9 required pursuant to the act of June 22, 1937 (P.L.1987,
10 No.394), known as "The Clean Streams Law," as amended, or where
11 the department pursuant to its rules and regulations, determines
12 that such permit is not necessary either for a rural residence
13 or for the protection of the public health. Except where a local
14 agency requires a permit by ordinance, no permit shall be
15 required for the installation of an individual on-lot sewage
16 system for a residential structure occupied or intended to be
17 occupied by not more than two families, one of whom is the
18 property owner, on a contiguous tract of land ten acres or more
19 if the owner of the property was the owner of record as of
20 January 10, 1987.

21 (b) (1) Application for permit shall be in writing to the
22 local agency in accordance with the provisions of section 8 of
23 this act, and shall be made in such form and shall include such
24 data as the department may prescribe.

25 (2) Permits shall be issued or denied within seven days
26 after receiving an application for permit except that, in case
27 the local agency in accordance with the provisions of section 8
28 of this act, finds the data submitted by an applicant is
29 incomplete, or the local agency is unable to verify the
30 information submitted, the local agency shall so notify the

1 applicant within seven days after receiving said application and
2 the time for acting thereon shall be extended fifteen days
3 beyond the date of receipt of adequate supplementary or
4 amendatory data. Denial of permit shall be supported by a
5 statement in writing of the reasons for such action.

6 (3) No system or structure designed to provide individual or
7 community sewage disposal shall be covered from view until
8 approval to cover the same has been given by the body which
9 issued the original permit or its authorized representative. If
10 seventy-two hours have elapsed, excepting Sundays and holidays,
11 since the body issuing the permit receive notification of
12 completion of construction, the applicant may cover said system
13 or structure unless permission has been refused by the issuing
14 body.

15 (4) The local agency shall not issue permits for individual
16 sewage systems or community sewage systems unless the system
17 proposed is consistent with the official plan of the
18 municipality in which said system is to be located and the
19 municipality is adequately implementing the official plan. In
20 the event that the municipality has no plan or has not revised
21 or implemented its plan as required by the rules and regulations
22 of the department or by order of the department, no permits may
23 be issued under this section 7 of this act in those areas of the
24 municipality for which an official plan, revision thereto or
25 implementation thereof is required, until the municipality has
26 submitted the said official plan or revision to, and received
27 the approval of, the department, or has commenced implementation
28 of its plan or revisions in accordance with a schedule approved
29 by the department.

30 (5) The limitations on permit issuance contained in

1 paragraph (4) of this subsection shall not apply:

2 (i) to those sections of the municipality where the
3 department finds that the zoning or applicable restrictive
4 covenants running with the land and enforceable by other
5 grantees in a subdivision provide for single family residential
6 lots of one acre or more or the proportionate equivalent acreage
7 for multiple family or commercial uses and provided that a
8 replacement system could be installed on the lot in the event
9 that the original system failed;

10 (ii) to existing subdivisions or sections thereof (where
11 subdivision plans therefor have been filed of record pursuant to
12 applicable law and ordinance prior to the effective date of this
13 subsection) where the department finds that either lots or homes
14 in the subdivision or sections thereof have been sold in good
15 faith to a purchaser for value prior to May 15, 1972 and not for
16 the purpose of avoiding the application of paragraph (4) of this
17 subsection. This subsection shall not relieve the municipality
18 of its planning responsibilities as specified in this act;

19 (iii) where the department finds it necessary to issue
20 permits for the abatement of pollution and/or the correction of
21 health hazards.

22 (6) If the local agency determines that: (i) any change has
23 occurred in the physical conditions of any lands which will
24 materially affect the operation of the community sewage system
25 or individual sewage system covered by any permit issued by the
26 local agency under section 7 of this act, or (ii) one or more
27 tests material to the issuance of the permit has not been
28 properly conducted, or (iii) information material to the
29 issuance of the permit has been falsified, or (iv) the original
30 decision of the local agency otherwise failed to conform to the

1 provisions of this act or the rules and regulations of the
2 department, or (v) the permittee has violated the rules and
3 regulations of the department under which the permit was issued,
4 the permit shall be revoked. Such action shall be taken after
5 notice and opportunity for hearing has been given to the
6 permittee.

7 (7) If construction or installation of an individual sewage
8 system or community sewage system and of any building or
9 structure for which such system is to be installed has not
10 commenced [within three years] after the issuance of a permit
11 for such system by January 10, 1994, the said permit shall
12 expire, and a new permit shall be obtained prior to the
13 commencement of said construction or installation.

14 (8) Upon completion of inspection of deep soil test pits and
15 percolation tests, the inspector shall immediately notify the
16 property owner that the tests are complete. Within five days
17 after receiving such notice, the property owner shall backfill
18 the test pits and holes. Any person who fails to comply with the
19 provisions of this subsection shall be subject to the remedies
20 and penalties provided in sections 12 and 13.

21 Section 2. This act shall take effect in 60 days.